

12-14-99

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| FORM PTO-1390<br>(REV. 11-98)   | DEPARTMENT OF COMMERCE<br>PATENT AND TRADEMARK OFFICE | ATTORNEY/DOCKET NUMBER<br>20002YP                                   |
| <b>TRANSMITTAL LETTER TO THE UNITED STATES<br/>DESIGNATED/ELECTED OFFICE (DO/EO/US)<br/>CONCERNING A FILING UNDER 35 U.S.C. 371</b>   |   | U.S. APPLICATION NO. (If known, see 37 CFR 1.5)<br><b>09/445837</b> |
| INTERNATIONAL APPLICATION NO.<br>PCT/US98/14746   | INTERNATIONAL FILING DATE<br>July 17, 1998            | PRIORITY DATE CLAIMED<br>July 22, 1997                              |
| FIELD OF INVENTION<br><b>METHOD OF INHIBITING BONE RESORPTION</b>   |   |   |
| APPLICANT(S) FOR DO/EO/US<br>ANASTASIA G. DAIFOTIS, ARTHUR C. SANTORA II, and A. JOHN YATES   |   |   |
| <p><b>Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:</b></p> <ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>3. <input type="checkbox"/> This is an express request to begin national examination procedures [35 U.S.C. 371(f)] at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(l).</li> <li>4. <input checked="" type="checkbox"/> A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.</li> <li>5. <input checked="" type="checkbox"/> A copy of the International Application as filed [35 U.S.C. 371(c)(2)].<br/>           a. <input checked="" type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau).<br/>           b. <input type="checkbox"/> has been transmitted by the International Bureau.<br/>           c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> <li>6. <input type="checkbox"/> A translation of the International Application into English [35 U.S.C. 371(c)(2)].</li> <li>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 [35 U.S.C. 371(c)(3)].<br/>           a. <input checked="" type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau). * Pls see Item 16.<br/>           b. <input checked="" type="checkbox"/> have been transmitted by the International Bureau.<br/>           c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.<br/>           d. <input type="checkbox"/> have not been made and will not be made.</li> <li>8. <input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 [35 U.S.C. 371(c)(3)].</li> <li>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) [35 U.S.C. 371(c)(4)].</li> <li>10. <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 [35 U.S.C. 371(c)(5)].</li> </ol> <p><b>Items 11 to 16 below concern other document(s) or information included:</b></p> <ol style="list-style-type: none"> <li>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>13. <input checked="" type="checkbox"/> A <b>FIRST</b> preliminary amendment.<br/> <input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.</li> <li>14. <input type="checkbox"/> A substitute specification.</li> <li>15. <input type="checkbox"/> A change of power of attorney and/or address letter.</li> <li>16. <input checked="" type="checkbox"/> Other items or information:<br/>           * NOTE: Amendment of 9 November 1999 is enclosed.</li> </ol> |   |   |

**EXPRESS MAIL CERTIFICATE**

DATE OF DEPOSIT December 13, 1999  
 EXPRESS MAIL NO. EM358365073US

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS  
 BEING DEPOSITED WITH THE UNITED STATES POSTAL  
 SERVICE AS EXPRESS MAIL "POST OFFICE TO  
 ADDRESSEE" BEFORE 5 PM ON THE ABOVE DATE IN  
 AN ENVELOPE ADDRESSED TO ASSISTANT COMMISSIONER  
 FOR PATENTS, WASHINGTON, D.C. 20231.

MAILED BY Merck & Co., Inc.  
 DATE December 13, 1999

|   |                               |                                    |                       |                 |
|---|-------------------------------|------------------------------------|-----------------------|-----------------|
| U.S. APPLICATION NO. (If known,<br>CFR 1.5)   | INTERNATIONAL APPLICATION NO. | ATTORNEY'S DOCKET NUMBER           |                       |                 |
| <b>09/445837</b>  | PCT/US98/14746                | 20002YP                            |                       |                 |
| 17. <input checked="" type="checkbox"/> The following fees are submitted:   |                               | <b>CALCULATIONS</b>                |                       |                 |
| <b>BASIC NATIONAL FEE [37 CFR 1.492(a)(1)-(5)]:</b><br>Neither international preliminary examination fee (37 CFR 1.482) nor international search fee [37 CFR 1.445(a)(2)] paid to USPTO and International Search Report not prepared by the EPO or JPO..... <b>\$970.00</b><br><br>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO..... <b>\$840.00</b><br><br>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee [37 CFR 1.445(a)(2)] paid to USPTO..... <b>\$760.00</b><br><br>International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4)..... <b>\$670.00</b><br><br>International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4)..... <b>\$96.00</b> |                               |                                    |                       |                 |
| <b>ENTER APPROPRIATE BASIC FEE AMOUNT</b>   |                               | <b>\$840.00</b>                    |                       |                 |
| Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date [37 CFR 1.492(e)].  |                               | <b>\$0.00</b>                      |                       |                 |
| Claims  | Number Filed                  | Number Extra                       | Rate                  |                 |
| Total Claims  | 1 - 20 =                      | 0                                  | X \$18.00             | \$0.00          |
| Independent Claims  | 1 - 3 =                       | 0                                  | X \$78.00             | \$0.00          |
| Multiple dependent claim(s) (if applicable)   |                               |                                    | + \$260.00            | \$0.00          |
|   |                               | <b>TOTAL OF ABOVE CALCULATIONS</b> | =                     | <b>\$840.00</b> |
| Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28).  |                               |                                    |                       |                 |
|   |                               | <b>SUBTOTAL</b>                    | =                     | <b>\$840.00</b> |
| Processing fee of <b>\$130.00</b> for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date [37 CFR 1.492(f)].   |                               |                                    |                       | <b>\$0.00</b>   |
|   |                               | <b>TOTAL NATIONAL FEE</b>          | =                     | <b>\$840.00</b> |
| Fee for recording the enclosed assignment [37 CFR 1.21(h)]. The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00</b> per property.  |                               |                                    |                       |                 |
|   |                               | <b>TOTAL FEES ENCLOSED</b>         | =                     | <b>\$840.00</b> |
|   |                               |                                    | Amount to be refunded |                 |
|   |                               |                                    | charged               |                 |
| a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.  |                               |                                    |                       |                 |
| b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>13-2755</u> in the amount of <u>\$840.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed.  |                               |                                    |                       |                 |
| c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to the Deposit Account No. <u>13-2755</u> . A duplicate copy of this sheet is enclosed.   |                               |                                    |                       |                 |
| <b>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive [37 CFR 1.137(a) or (b)] must be filed and granted to restore the application to pending status.</b>  |                               |                                    |                       |                 |
| SEND ALL CORRESPONDENCE TO:   |                               |                                    |                       |                 |
| MERCK & CO., INC.<br>Patent Department, RY60-30<br>P.O. Box 2000<br>126 East Lincoln Avenue<br>Rahway, New Jersey 07065-0970  |                               |                                    |                       |                 |
| <br><b>SIGNATURE</b>  |                               |                                    |                       |                 |
| <b>ANTHONY D. SABATELLI</b><br>NAME   |                               |                                    |                       |                 |
| DATE: <u>December 13, 1999</u>  |                               |                                    |                       |                 |
| PHONE #: <u>(732) 594-1935</u>  |                               |                                    |                       |                 |
| 34.714  |                               |                                    |                       |                 |
| REGISTRATION NUMBER   |                               |                                    |                       |                 |